

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, September 14, 1999  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. David Henion, Harvest Community Church.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of August 31, 1999, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE AWARDS

Wichita's Promise -- Youth Community Service Awards were presented.

PROCLAMATIONS

Proclamations previously approved were presented.

NEW BUSINESS

ALL AMERICA CITY

ALL AMERICA CITY AWARD.

Christine Gramero, Vice President of the National Civic League, presented the All America City Award to the City of Wichita.

RECESS

The City Council recessed at 10:30 a.m. and reconvened at 10:40 a.m.  
Council Member Martz absent.

WSU ECK STADIUM

PUBLIC HEARING AND ISSUANCE OF PUBLIC BUILDING COMMISSION (PBC) IMPROVEMENT REVENUE BONDS - WSU ECK STADIUM. (District I)

Brad Boswell

Financial Services reviewed the Item.

Agenda Report No. 99-886.

On May 11, 1999, City Council approved the use of PBC Bonds for the purpose of financing planned improvements for Eck Stadium, and the use of the 1.5 mill levy as security for the bonds. Wichita State University is now requesting the City of Wichita approve the issuance of the Improvement Revenue Bonds in an amount not-to-exceed \$4.0 million. With City Council approval, the PBC will then issue the bonds.

The planned improvements to Eck Stadium include substantial reconstruction and expansion of the spectator seating and the addition of 13 sky boxes and a new press box, a new clubhouse and veranda above the sky boxes and a new pavilion main entrance to the facility, as well as improvements to the playing field and team facilities.

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The Federal Tax Code requires both the issuer of the bonds and the government entity with jurisdiction over the bond issue to hold public hearings, prior to issuance of the bonds. The PBC public hearing was held on August 18, 1999.

The bonds will be privately placed by Davidson Securities, Inc., and issued as tax-exempt bonds, in \$100,000 denominations scheduled to mature in ten years. It is anticipated that a majority of the bonds will be called during the first three years after they are issued, and the balance will be redeemed over the next six years.

The 1.5 mill WSU Special Tax Levy will serve as standby credit enhancement and will only be used in the event that WSU is unable to pay debt service on the bonds from other sources.

Hinkle Elkouri, L.L.C., will serve as bond counsel for the project.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Knight moved that the public hearing be closed and the issuance of the Public Building Commission Improvement Revenue Bonds be approved. Motion carried 6 to 0. (Martz absent)  
-- carried

Council Member Martz present.

## **AIRXCEL TAX EXEMPT PUBLIC HEARING AND TAX EXEMPTION REQUEST - AIRXCEL, INC.** (District VI)

This Item was removed from the agenda and will be rescheduled for September 21, 1999.

## **CASE TAX EXEMPT. PUBLIC HEARING AND TAX EXEMPTION REQUEST - CASE CORPORATION.** (District V)

Brad Boswell Financial Services reviewed the Item.

Agenda Report No. 99-888.

Case, headquartered in Racine, Washington, has manufactured agricultural equipment for over 155 years. Since 1994, Case has undertaken a comprehensive expansion project including three Sedgwick County Economic Development Tax Exemption projects. The component-projects were exempted at 100% for a five-plus-five-year term, approved between 1994 and 1998, and resulted in a \$9.7 million capital investment. Since 1994, the Case multi-phase expansion plan has created 306 new jobs.

On January 1, 1999, the City of Wichita annexed property, including the Case Corporation, located at 3301 S. Hoover Road, now in southwest Wichita. As a result, Case is now required to make application for ad valorem tax exemption to the City of Wichita. Case is now requesting the City of Wichita approve an Economic Development Tax Exemption on the new manufacturing equipment, in conjunction with the ongoing expansion of their Wichita facility.

Since 1968, the Wichita Case facility has manufactured tractors, primarily Uni-Loaders and Case Trenchers. Case recently added the manufacture of the Skid Steer tractor to their Wichita production line. Case currently has over 600 employees at the Wichita facility and plans to create 33 new jobs over the next five years as a result of the 1999 expansion project. The new \$8,723,200 expansion will consist of acquisition of new manufacturing equipment. Under the City's Business Incentives Policy, Case is eligible for the following:

### TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
48.00%	New Job Creation	Case will create at least 33 new full-time jobs.
59.60%	Capital Improvements	Case will invest approximately \$8,723,200
107.60%	Total Business Incentives	
50.00%	TOTAL ELIGIBLE - BUSINESS INCENTIVES (Max. allowed is 50%)	

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50.00%                      Export Premium                      Case exports 97% of its product outside Kansas.

50.00%    TOTAL ELIGIBLE FOR EXPORT PREMIUM (Maximum allowed is 50%)

100.00%    TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE  
POLICY

Case is eligible for a 100% tax exemption for five years on the new personal property. A notice of public hearing has been published. Case has agreed to comply with the conditions for receiving an economic development tax exemption set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$8,723,200 project under the 1999 mill levy on property within the Wichita City limits would be \$200,545. The existing building and personal property will stay on the property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$58,000; County/State - \$58,316; and USD 259 - \$84,229. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios of 1.18 for the City of Wichita; 1.15 for Sedgwick County; 1.01 for USD 259 and 11.56 for the State of Kansas.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Martz moved that the public hearing be closed; a 100% tax exemption on personal property improvements for a five-year term be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Case Corporation, so exempted, introduced and under the rules laid over.

## CITY COUNCIL AGENDA

### **BOARD APPOINTMENTS**BOARD/COMMISSION APPOINTMENTS.

Motion --

-- carried

Rogers appointed Lawrence Newton (Electrical), and Brist McConico (MTA) and moved that the appointments be approved. Motion carried 7 to 0.

Motion -- carried

Martz appointed John Luerding (PBC) and moved that the appointment be approved. Motion carried 7 to 0.

### **PROCLAMATIONS**

#### **PROCLAMATIONS:**

--Deaf Awareness Week

--Day of Remembrance for Murder/Homicide Victims

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

### **CANCEL MEETING**

#### **CANCELLATION OF OCTOBER 5, 1999, CITY COUNCIL MEETING DUE TO LEAGUE OF KANSAS MUNICIPALITIES ANNUAL CONFERENCE AND APPROVAL OF VOTING AND ALTERNATE DELEGATES.**

The City of Wichita may have up to five voting delegates and five alternate delegates.

Motion --

-- carried

Knight moved that the cancellation of October 5, 1999, Council meeting be approved and that Cole, Gale, Martz, Pisciotte and Knight be designated as voting delegates. Motion carried 7 to 0.

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## CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED SEPTEMBER 13, 1999.

Bids were opened September 3, 1999, and September 10, 1999, pursuant to advertisements published on:

Paving Sunnyside, from the east line of Chautauqua to the west line of Lorraine; Lorraine, from the north line of Orme to the north line of Sunnyside to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (472-83081 /765569/490680) Traffic to be maintained on Chautauqua and Orme during construction using flagpersons and barricades City Council approval date: 2/23/99. (District I)

Kansas Paving Company - \$69,783.00

Storm Water Drain 144 to serve Ridge Port North Addition and Unplatted Tract - south of 37th, east of Ridge. (468-82988/751278/485169) Does not affect existing traffic. City Council approval date: 5/25/99. (District V)

Pearson Excavating, Inc. - \$365,618.00 (Negotiated to engineer's estimate)

Paving 33rd Street South from Gordon to Meridian to serve YMCA South Addition - west of Meridian, north of I-235. (472-82952/765297/490631) Traffic to be maintained using barricades and flag persons City Council approval date 6/23/98. (District IV)

Cornejo & Sons Construction - \$87,339.40

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Interior Renovations and ADA 504 Handicap Revisions for 16 Units at Bernice Hutcherson Garden Complex. (127803)

Williamson Construction Inc. - \$250,000.00 (Total net bid)

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Office Building Reconfiguration. (127027)

Williams Construction Co., Inc. - \$144,000.00 (Total net base bid)  
\$3,400.00 (Alternate #1 total net bid)

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Driveway, Porch, Sidewalk, Basement and Miscellaneous Renovations. (127779)

McFadden Construction Co., Inc. - \$48,500.00 (Total net bid)

HUMAN SERVICES DEPARTMENT/WICHITA HOUSING AUTHORITY DIVISION: Remodeling and Rehabilitation. (127803)

S&A Construction - \$38,645.00 (Group I/total net bid)  
\$71,850.00 (Group II/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Roof Replacement at the Boathouse. (791970)

Larry Walty Roofing & Guttering Inc. - \$40,000.00 (Total net bid)  
\$50.00 (Total option 1/per each)  
\$ 3.00 (Total option 2/per sq. ft.)

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HUMAN SERVICES DEPARTMENT/NEIGHBORHOOD SERVICES DIVISION: Provide and Install a Telephone System. (406009)

Communications Technology Associates, Inc. - \$8,361.00 (Lump sum total)  
\$1,461.78 (Option 1/lump sum total)

PUBLIC WORKS DEPARTMENT DEPARTMENT/FLEET & BUILDINGS DIVISION: Electric Forklift, 4000 Pound Capacity. (130807)

Kansas Forklift Inc. - \$22,395.00 (Total net bid)  
<\$ 5,000.00> (Total Option 1/deduct)

PARK & RECREATION DEPARTMENT/PARK MAINENTANCE DIVISION: Material Handler. (696047)

Outdoor Equipment Co., - \$19,999.95 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Underground Piercing Tool. (183327)

Ditchwitch of Kansas - \$12,336.80 (Total net bid)

MUNICIPAL COURT DEPARTMENT/PROBATION OFFICE DIVISION: Security Guard Services. (052308)

Wells Fargo Guard Services - \$9.16 (Cost per man/per hour)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Picnic Tables. (785766)

Fry & Associates Inc. - \$14,116.52 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES.

#### Renew Adult Entertainment:

Norman Massey Jr.	Zigefields	4200 West Kellogg Drive
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Motion --carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Lan Thy Ta	Kim Huong Restaurant*	1410 North Broadway
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<u>Special Event</u>	<u>September 25, 1999</u>
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Devin W. Hansen	Old Town Association 16th Annual Chili Cookoff	800 East Waterman
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\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

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## PLANS AND SPECS

### PLANS AND SPECIFICATIONS:

- a. Lateral 430, Southwest Interceptor Sewer to serve an unplatted tract - south of 55th Street South, east of Meridian. (468-82996/743802/480490) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/8/99. (District IV)
- b. Hoover, from the south line of First Street to the north line of Second Street to serve Westbreeze Addition and unplatted tracts - south of Central, east of I-235. (472-83066/765566/490677) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/2/99. (District IV)
- c. Second Street, from the east line of Hoover to the west line of Flora, and from the east line of Flora to the west line of Elder to serve Fruitvale Park and Westbreeze Additions - south of Central, east of Hoover. (472-82978/765214/490623) Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV)
- d. Third Street, from the west line of Florence to the west line of West Street to serve Masterbilt, McPherson, Loyd, and Parkwilde Additions - south of Central, west of West Street. (472-82979 /765222/490624). Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV)
- e. Maywood from the east line of Seneca to 112 feet east of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82995/765388/490640) Traffic to be maintained through construction. City Council approval date: 9/15/98. (District IV)
- f. Lockwood from the east line of Seneca to the west line of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82980/765206/490622) Traffic to be maintained through construction. City Council approval date: 8/4/98. (District IV)
- g. 13th Street North from approximately 600 feet east of Rock Road to the east City Limits. (472-83028 /706770/208231) Traffic to be maintained during construction using flagpersons and barricades, except that the street may be closed completely for one 45-day period. City Council approval date: 4/20/99. (District II)
- h. Water line adjustments in connection with paving Central, 127th East to 143rd East - east of 127th Street East at Central. (448-89369/635603/769663) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (County)

Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., September 24, 1999. Motion carried 7 to 0.

### SUBDIVISION PLANS AND SPECIFICATIONS:

- a. Parkdale from the southerly line of Lot 40, Block 4, to the north line of Lot 20, Block 4; Central Park from the east line of Lot 1, Block 8, to the west line of Lot 16, Block 4; Parkdale from the north line of Central Park to the north line of Lot 1, Block 9; Ryan from the east line of Parkdale to the east line of Lot 9, Block 8; and Parkdale Courts (2) serving Lots 20 through 40, Block 4 to serve Evergreen Addition - west of Maize Road, north of 21st Street. (472-83133/765596/490707) Does not affect existing traffic. City Council approval date: 8/10/99. (District V)
- b. Pepper Ridge from the south line of Lot 12, Block 5, to the north line of Lot 23, Block 5; and Forest Park, from the east line of Pepper Ridge to the west line of Lot 1, Block 3 to serve Forest Lakes West Addition - north of 29th Street North, east of Tyler. (472-82871/765587/490698) Does not affect existing traffic. City Council approval date: 9/23/97. (District II)
- c. Lateral 440, Southwest Interceptor Sewer to serve Barefoot Bay Second Addition - south of 29th Street North, east of Ridge Road. (468-83035/743810/480498) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 9/28/99. (District V)
- d. Lateral 429, Southwest Interceptor Sewer to serve Ridge Port North Addition - south of 37th Street North, east of Ridge Road. (468-82987/743809/480497) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/25/99. (District V)

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e. Lateral 62, Main 9, Sanitary Sewer No. 23 to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (468-82988/743808/480496) Does not affect existing traffic. City Council approval date: 8/24/99. (District II)

f. Water distribution system to serve The Legacy Addition - west of Meridian, south of MacArthur. (448-89392/734931/470601). Does not affect existing traffic. City Council approval date: 6/22/99. (District IV)

g. Water distribution system to serve Ridge Port North Addition - south of 37th Street North, east of Ridge Road. (448-89389/734937/470607). Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/25/99. (District V)

h. Water distribution system to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (448-89393/734935/470605) Does not affect existing traffic. City Council approval date: 8/24/99 (District II)

Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., September 24, 1999. Motion carried 7 to 0

## PRELIMINARY EST.

### PRELIMINARY ESTIMATES:

a. Lateral 431, Southwest Interceptor Sewer to serve The Legacy Addition - west of Meridian, south of MacArthur. (468-82997/743803/480491) Does not affect existing traffic. City Council approval date: 6/22/99. (District IV) - \$188,800.00

b. Forestview, from the west line of Angela to 294 feet east of Angela including Forestview Court and Forestview Circle and Angela from the south line of Forest view to 165 feet south of Forestview to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (472-83022/765565 /490676) Does not affect existing traffic. City Council approval date: 2/9/99. (District V) - \$122,000.00

c. Water distribution system to serve Evergreen Addition , phase two- north of 21st Street, west of Maize. (448-89409/734933/470603) Does not affect existing traffic. City Council approval date: 8/10/99. (District V) - \$76,000.00

d. Lateral 436, Southwest Interceptor Sewer to serve Evergreen Addition, phase two - north of 21st, west of Maize. (468-83013/743805/480493) Does not affect existing traffic. City Council approval date: 8/10/99. (District V) - \$224,400.00

e. Traffic signal to serve the intersection of Anna and Maple, Towne West Square Second and Jenkins Fourth Additions. (472-83130/710214/410076) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 7/13/99. (District IV) - \$110,000.00

f. Sunnyside, from the east line of Chautauqua to the west line of Lorraine; Lorraine, from the north line of Orme to the north line of Sunnyside to serve Sunnyside Village Addition - north of Orme, west of Lorraine. (472-83081/765569/490680) Traffic to be maintained on Chautauqua and Orme during construction using flagpersons and barricades. City Council approval date: 2/23/99. (District I) - \$88,810.00

g. (Amended) Douglas, Main to Topeka; and Topeka, Douglas to William; new water main in Douglas, between Main and the east side of Topeka; new water main in Topeka between Douglas and William. [472-82655/448-88965/N/A (706473/636019/620271) 405201/778150/669396]. City Council approval date: 1/6/98 & 1/9/96 & 6/22/99. (District I) - \$4,440,268.50

h. (Amended) Vest Pocket Park. (791848/435213) City Council approval date: 05/25/99. (District I) \$574,100.00

Motion --carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

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## DEEDS & EASEMENTS DEEDS AND EASEMENTS:

- a. Drainage easement dated August 30, 1999, from R&R Realty, L.L.C., a Kansas limited liability company, and Via Christi Property Services, Inc., a Kansas corporation, for a tract in Ridge Port North Addition (SWD 144 - Index 751278). No cost to City.
- b. Drainage easement dated August 30, 1999, from R&R Realty, L.L.C., a Kansas limited liability company, for parcels in the Ridge Port North Addition and the NW 1/4 of Sec. 34, Twp. 26-S, R-1-W (SWD 144 - Index 751278). No cost to City.
- c. Drainage easement dated August 30, 1999, from Via Christi Property Services, Inc., a Kansas corporation, for a tract in Ridge Port North Addition (SWD 144 - Index 751278). No cost to City.
- d. Sanitary sewer easement dated August 9, 1999, from Gary Cook for a tract in the NE 1/4 of Sec. 30, Twp. 28S, R-1-E (Lat. 430, SWI - Index 743802). No cost to City.
- e. Utility easement dated July 30, 1999, from Socora Village Company for a tract in Evergreen Addition (Lat. 436, SWI - Index 743805). No cost to City.
- f. Dedication dated August 2, 1999, from Clifford A. Nies for a tract in the SW 1/4 of Sec. 33, Twp. 27S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- g. Dedication dated July 23, 1999, from Kenton Collinson for a tract in the NW 1/4 of Sec. 4, Twp. 28S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- h. Dedication dated July 26, 1999, from Craig B. Collinson for a tract in the NW 1/4 of Sec. 4, Twp. 28S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- i. Dedication dated July 23, 1999, from Stephen A. Collinson for a tract in the NW 1/4 of Sec. 4, Twp. 28S, R-2-E (Pawnee - Webb to Greenwich, Index 707000). No cost to City.
- j. Sanitary sewer easement dated June 28, 1999, from Shawn D. Penner for a tract of land in the Valentine Addition (private project - Index 607681). No cost to City.
- k. Sanitary sewer easement dated July 6, 1999, from Tractor Supply Company for a tract of land in the Westport Addition (private project - Index 607681). No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0

## PAVE SUNNYSIDE

### PETITION TO PAVE SUNNYSIDE, FROM EAST OF CHAUTAUQUA TO WEST OF LORRAINE, AND LORRAINE, FROM NORTH OF ORME TO NORTH OF SUNNYSIDE. (District I)

Agenda Report No. 99-889.

On February 23, 1999, the City Council approved a Petition to pave Sunnyside and Lorraine, to serve Sunnyside Village Addition. An attempt to award a construction contract within the budget set by the Petition was not successful.

A new Petition with an increased budget has been submitted. The signature on the new Petition represents one owner of 100% of the improvement district.

The original Petition totaled \$68,000. The new Petition totals \$83,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-339

Resolution of findings of advisability and Resolution authorizing improving of Sunnyside, from the east line of Chautauqua to the west line of Lorraine; Lorraine, from the north line of Orme to the north line of Sunnyside, Project No. 472-83081 (north of Orme, west of Lorraine, in the City of Wichita, Kansas,



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pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## WATER SYSTEM

### **PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE LINDSAY'S ORCHARD – NORTH OF PAWNEE, WEST OF MAIZE.** (District V)

Agenda Report No. 99-890.

The signature on the Petition represents one owner that owns 100% of the improvement district.

Lindsay's Orchard Addition, a new single-family development, was platted in 1998. The developer has submitted a new Petition to rephrase the development to accommodate a change in the home sales rate.

The Petition totals \$46,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. R-99-340

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89420 (north of Pawnee, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF LOT 20, WALNUT GROVE ADDITION – WEST OF ARKANSAS AVENUE, NORTH OF 33RD STREET NORTH.** (District VI)

Agenda Report No. 99-891.

The Petition has been signed by two owners representing 100% of the improvement district.

This project will provide sanitary sewer service to a single-family home.

The estimated project cost is \$8,000. The funding source is special assessments.

Motion --  
-- carried

Knight moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

#### RESOLUTION NO. R-99-341

Resolution of findings of advisability and Resolution authorizing construction of Lateral 137, Main 4, Sanitary Sewer #23, (west of Arkansas Avenue, north of 33<sup>rd</sup> Street North), 468-83022, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## BOARDS MINUTES

### **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Board of Park Commissioners, 8-9-99

Commission on the Status of People with Disabilities, 7-28-99

CPO Northeast Council 1, 8-23-99

CPO East Council 2, 8-23-99

CPO Southeast Council 3, 8-12-99

CPO Southeast Council 3, 8-26-99

CPO Southwest Council 4, 8-26-99

CPO Northwest Council 5, 8-11-99

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CPO Northwest Council 5, 8-25-99  
CPO North Central Council 6, 8-11-99  
CPO North Central Council 6, 8-25-99  
Deferred Compensation Board, 8-13-99  
Metropolitan Area Planning Commission (MAPC), 6-10-99  
Metropolitan Area Planning Commission (MAPC), 6-24-99  
Police & Fire Retirement System, 7-28-99  
Sister Cities Advisory Board, 8-6-99  
Wichita Employees' Retirement System, 7-21-99  
Wichita Public Library Board, 8-10-99  
Wichita Public Library Board, 8-17-99  
Wichita-Sedgwick County Alcohol & Drug Abuse Advisory Board (ADAS), 9-9-99  
Wichita-Sedgwick County Arts & Humanities, 9-9-99  
Wichita-Sedgwick County Board of Health, 8-12-99  
Wichita Transit Advisory Board, 7-22-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## **STREET CLOSURE**

### **ALL-AMERICA CITY CELEBRATION - STREET CLOSURES.**

Agenda Report No. 99-922.

In accordance with the Special Event Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by City Council.

The following Special Event requests have been submitted:

1) All-America City Celebration

Date of event: September 14, 1999

Location: City Hall

Street Closures: Main Street, Central to Third (4 p.m. to 9 p.m.) For equipment display of City vehicles.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --  
-- carried

Knight moved that the street closures be approved subject to coordination with City Staff, and submission of an insurance certificate. Motion carried 7 to 0.

## **STREET CLOSURE**

### **WICHITA HALF MARATHON – STREET CLOSURES.**

Agenda Report No. 99-923.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1) Wichita Half Marathon

Street Closure: Nims Street (from Stackman to Murdock); Wiley Street (from Murdock to West Rive Boulevard); Murdock Street (from Nims to Stackman Streets); West River Boulevard (Nims to Stackman Streets); and, Stackman (from Nims to West River Boulevard closed from 7:30 a.m. – 11:00 a.m. on Sunday, September 19, 1999. (This is a loop through Riverside Park which will connect to the bike path running west across the river, around Cowtown and Sim Park for the remainder of the run route.)

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --  
-- carried

Knight moved that the street closures be approved subject to coordination with City Staff, and submission of an insurance certificate. Motion carried 7 to 0.

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## ASSESSMENT ROLLS

### PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for 23 paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 4, 1999.

Motion --

Knight moved that the hearing on the proposed assessment rolls be set for 11:00 a.m., Tuesday, October 19, 1999, and the notices of hearing be published at least once, not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.

-- carried

## SPECIALS RESPREAD

### AGREEMENT TO RESPREAD ASSESSMENTS: AUBURN HILLS, FIFTH, SEVENTH, EIGHTH AND NINTH ADDITIONS – SOUTH OF MAPLE, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 99-892.

The developers of Auburn Hills 5th, 7th, 8th and 9th Additions have submitted an Agreement to respread special assessments within the Additions.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately five to six hours of staff time to reapportion the specials previously spread.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## SPECIALS RESPREAD

### AGREEMENT TO RESPREAD ASSESSMENTS: WILLOWBEND NORTH ADDITION – WEST OF ROCK, SOUTH OF 45TH STREET NORTH. (District II)

Agenda Report No. 99-893.

The developer of Willowbend North Addition has submitted two Agreements to respread specials assessments from Willowbend North Addition which has been replatted to Willowbend North Estates Addition and Willowbend North Second Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreements are to respread special assessments on an equal share basis for each lot. Without the Agreements, the assessments will be spread on a square foot basis. The Agreements will equalize the assessments for each lot, making it easier for the developer to market the lots.

The cost to the City is approximately four to five hours of staff time to reapportion the specials previously spread.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES FOR RIDGE PORT NORTH ADDITION – SOUTH OF 37TH STREET, EAST OF RIDGE. (District V)

Agenda Report No. 99-894.

The City Council approved the Ridge Port North Addition plat on May 25, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Ridge Port North Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

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Payment will be on a lump sum basis of \$38,800, and will be paid by special assessments.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM – MCLEAN TO 21ST STREET, AMIDON TO WACO.** (District VI)

Agenda Report No. 99-895.

Agreement for Design Services for Water Distribution System No. 448 89413 (McLean to 21st Street, Amidon to Waco) (District VI)

The City Council approved the project on January 26, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of Water Distribution System No. 448 89413. The Staff Screening & Selection Committee selected SRB for the design on August 16, 1999.

Payment will be on a lump sum basis of \$58,200 and will be paid by Water Utility Operating Revenues.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM – KELLOGG TO CENTRAL, MERIDIAN TO WEST STREET.** (Districts IV and VI)

Agenda Report No. 99-896.

The City Council approved the project on January 26, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of Water Distribution System No. 448 89411. The Staff Screening & Selection Committee selected SRB for the design on August 16, 1999.

Payment will be on a lump sum basis of \$49,000 and will be paid by Water Utility Operating Revenues.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### **AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM – FIRST STREET TO 13TH STREET, WASHINGTON TO GROVE.** (District I)

Agenda Report No. 99-897.

The City Council approved the project on January 26, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of Water Distribution System No. 448 89414. The Staff Screening & Selection Committee selected SRB for the design on August 16, 1999.

Payment will be on a lump sum basis of \$42,200 and will be paid by Water Utility Operating Revenues.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## KDOT AGREEMENT

### CONSTRUCTION ENGINEERING AGREEMENT – 29TH STREET NORTH, FROM OLIVER TO WOODLAWN. (District I)

Agenda Report No. 99-898.

On August 11, 1998, the City Council approved a project to upgrade 29th Street North, from Oliver to Woodlawn. The project is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). On May 25, 1999, the City Council approved the project for construction. An Agreement between the City and KDOT for construction engineering services has been prepared.

The project consists of widening 29th Street North to three lanes with two through lanes and a center two-way left turn lane.

KDOT will reimburse the City for 80 percent of the cost for construction engineering services, which has an upper limit of \$192,172.27.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## HARBOR HOUSE

### CDBG CONTRACT - CATHOLIC CHARITIES, INC. - HARBOR HOUSE.

Agenda Report No. 99-899.

On March 16, 1999, the City Council allocated Community Development Block Grant (CDBG) funds for the 1999/2000 program year. Included in the 1999/2000 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Harbor House provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 1999 and ending June 30, 2000.

The contract amount for Harbor House is \$55,000.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## URBAN LEAGUE

### CDBG CONTRACT - URBAN LEAGUE OF WICHITA, INC.

Agenda Report No. 99-900.

On March 16, 1999, the City Council allocated \$12,000 to the Urban League for parking lot improvements at its Learning Center, 2418 East 9th Street North.

Improvements include fencing, landscaping, lighting and signage.

The contract amount is \$12,000.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## COMMUN./SCHOOLS

### CDBG CONTRACT - COMMUNITIES IN SCHOOLS OF WICHITA, SEDGWICK COUNTY, INC.

Agenda Report No. 99-901.

On March 16, 1999, the City Council allocated \$25,000 to Communities in Schools to provide, and coordinate, services at the Stanley Elementary School.

Services to be provided include family literacy and parenting classes as well as tutoring, mentoring and counseling to approximately 50 students and their parents during the contract period of July 1, 1999 through June 30, 2000.

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The contract amount is \$25,000.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## YWCA

### CDBG CONTRACT – YWCA WOMEN’S CRISIS CENTER.

Agenda Report No. 99-902.

On March 16, 1999, the City Council allocated Community Development Block Grant (CDBG) funds for the 1999/2000 program year. Included in the 1999/2000 CDBG allocations were funds for women’s shelter services. Women’s shelter services were procured through a competitive Request for Proposal (RFP).

The contract with the YWCA provides operating assistance for a shelter for victims of domestic violence. The contract term is twelve months beginning July 1, 1999 and ending June 30, 2000.

The contract amount is \$170,000.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## EMERGENCY SHELTER EMERGENCY SHELTERS - GRANT CONTRACTS - CATHOLIC CHARITIES AND UNITED METHODIST URBAN MINISTRY (UMUM).

Agenda Report No. 99-903.

On May 11, 1999 the City council approved the Emergency Shelter Grant allocations to be included in the City’s 1999/2000 Housing and Urban Development (HUD) Consolidated Plan. The Plan will provide funds for a number of homeless agencies for operations, essential services and homeless prevention. Four contracts are being brought before the Council for approval.

The contracts before the Council are Emergency Shelter Grant contracts with Catholic Charities and United Methodist Urban Ministry (UMUM). The contracts provide funding for operations, essential services and homeless prevention activities and are consistent with the City’s HUD Consolidated Plan as approved by the Council. The contract period for each contract is July 1, 1999 through June 30, 2000.

The Maximum contract amounts are:

Catholic Charities Anthony Family Shelter	\$26,261
Catholic Charities Harbor House	\$ 9,235
UMUM Drop-In Center Operations	\$13,727
UMUM Homeless Prevention	\$ 5,491

These federal HUD funds are available through the Stewart B. McKinney Homeless Assistance Act and the contracts obligated no general funds moneys.

Motion --  
-- carried

Knight moved that the Agreements/Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## INTERVENTION PROG. CONTRACT – WICHITA INTERVENTION PROGRAM FACILITY.

Agenda Report No. 99-904.

Kansas Law requires first conviction Driving Under the Influence (DUI) offenders to be incarcerated for forty-eight hours and attend alcohol education classes. In 1984, Municipal Court established the Wichita Intervention Program (WIP) which combined both aspects in a setting outside of jail. Participants stay in the designated facility from Friday evening until Sunday evening. A trained facilitator conducts the classes and security guards provide 24 hours supervision. The program helps relieve the overcrowded jail and offenders pay for their incarceration. The City contracted with the Family Inns from August , 1993 until January, 1999 to provide lodging, classroom space,

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and meals for the program. Since January 1999 the Guild Plaza Hotel has provided these services under temporary Contract. The Wichita Intervention Program is under the direction of the Municipal Court Administrator through assignment to the Probation Office.

A Request for Proposal (RFP) was sent to hotels and motels in the Wichita area and published in The Daily Reporter. Four facilities responded. A selection committee reviewed the proposals and site visits were made to the facilities. The Guild Plaza Hotel was selected because of their qualifications and ability to meet the RFP stated requirements. These requirements include lodging for two nights (Friday and Saturday) for up to forty participants; provide breakfast, lunch, and dinner on Saturday and breakfast and lunch on Sunday; and provide space large enough to accommodate up to forty participants for lectures and other presentations. The Guild Plaza is centrally located and the hotel has provided services for the WIP for the last seven months.

The WIP is a budgeted program and all expenses are offset by revenue to the General Fund based on fees from the participants.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## CENTURY II

### CONTRACT – CENTURY II SANITARY SEWER SYSTEM. (District I)

Agenda Report No. 99-905.

The sewer system at Century II has been troublesome since the Hyatt Regency Hotel sewer system was connected in 1997. The sewer lift pump in the basement of Century II has failed numerous times as the result of soap and grease accumulation from hotel operations. Failures such as these have caused minor flooding to the Century II basement posing not only a health hazard as well as creating the potential for significant damage to the contents of the basement. Modifications to the existing sewer lift pump and associated plumbing failed to solve the problem.

Professional Engineering Consultants (PEC) completed a study of the problem, and recommended that a new sewer lift station be installed west of the parking lot, which is north of the Hyatt. The discharge from the new sewer lift station will be connected to a sanitary sewer main located on the north side of Douglas Avenue.

PEC proposed to provide all engineering and project monitoring / inspection services relating to the sewer lift station for an amount not to exceed \$26,500.00

Funds in the amount of \$185,000 are included in the 1999 Revised Tourism and Convention Fund Budget for the project.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## BROKER LISTING

### EXCLUSIVE BROKER LISTING FOR THE SALE OF FAMILY INNS – 221 EAST KELLOGG. (District I)

Agenda Report No. 99-906.

As part of the Kellogg Flyover project, the City acquired the seven-story hotel facility commonly known as the Family Inn. In February 1999, the City mailed a Request for Proposal (RFP) to several hundred potential buyers and brokers soliciting competitive proposals for the Family Inn and adjacent parcels. Seven offers were received; four from hotel operators, two of whom offered \$1,000,000 for the property. One high bidder subsequently withdrew. On June 22, 1999, the City Council approved the negotiation of a purchase contract with the remaining bidder. This firm later declined to execute the negotiated agreement.

A regional real estate firm, Bruce Holmes and Associates, has been identified that specializes in the sale of hotel and motel properties. The firm was recommended to the City by PKF, the hotel consultant used for the Hyatt project. The property has been heavily exposed to the local real estate market. There are no local firms that specialize in this type of property. They have offered to exclusively list and market the facility for six months for a commission of six percent of the sale price. If property is not successfully marketed, there will be no payment due. They intend to package the property and market it throughout national advertising, as well as mailings to approximately 7,000 firms and individuals.

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Any commission due the listing broker will be netted from sale proceeds due the City.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## (KESGP) FUNDS

### ALLOCATIONS OF KANSAS EMERGENCY SHELTER GRANT PROGRAM (KESGP) FUNDS.

Agenda Report No. 99-907.

The State of Kansas receives Emergency Shelter Grant funds under the Stewart B McKinney Homeless Assistance Act which are in turn awarded to local units of government on behalf of homeless service providers. At its July 13, 1999 meeting the Council approved the submittal of a 1999 Kansas Emergency Shelter Grant Program (KESGP) application for \$270,791 to fund nine local homeless service provider projects.

The City received notification it was awarded \$60,519 in 1999 KESGP funds. Of that amount, \$58,967 is available in four program categories for allocation to agency proposers. On September 2 the Homeless Task Force met to provide the Council with its recommendations for allocating the available KESGP funds.

The KESGP funding awarded in each Program category, and the total agency requests by category, are:

Program Category	Amount Awarded	Total Requested
Rehabilitation	\$23,283	\$ 43,400
Operations	20,000	90,286
Essential Services	10,684	103,000
Homeless Prevention	<u>5,000</u>	<u>28,000</u>
Totals	\$60,519	\$264,686

Homeless Task Force recommendations for allocation of the awarded funds follow:

<u>Agency</u>	<u>Rehab.</u>	<u>Operations</u>	<u>Ess. Services</u>	<u>Prevention</u>	<u>Totals</u>
Anthony Family Shelter		\$ 4,500			\$ 4,500
Center of Hope				<u>\$ 5,000</u>	\$ 5,000
Inter-Faith Inn	\$14,883	\$ 4,500	\$ 5,342		\$24,725
Safe Haven	<u>\$ 8,400</u>				\$ 8,400
Salvation Army		\$ 4,500			\$ 4,500
UMUM – Drop-In-Center		\$ 4,500	<u>\$ 5,342</u>		\$ 9,842
YWCA		<u>\$ 2,000</u>			<u>\$ 2,000</u>
Totals	\$23,283	\$20,000	\$10,684	\$5,000	\$58,967

The Homeless Task Force recommendations would provide funding for the following projects:

Catholic Charities Anthony Family Shelter – Operations funding in the amount of \$4,500 would be provided for the 32 bed shelter.

Center of Hope – Homeless Prevention funding in the amount of \$5,000 would be provided for a rent assistance program which also offers financial counseling, budget assistance and resource and responsibility assessment.

Inter-Faith Ministries – Rehabilitation funding in the amount of \$14,883 would be provided to continue renovations at Inter-Faith Inn which will increase to 50 bed spaces and \$8,400 will continue rehabilitation efforts at Safe Haven. Operational funding of \$4,500 made available to Inter-Faith Inn and Essential Services funding of \$5,342 would enable Inter-Faith Inn to continue its case management services.

Salvation Army Emergency Lodge – Operations funding in the amount of \$4,500 would be provided for the 16 bed emergency shelter.

United Methodist Urban Ministry Drop-In Center – Essential Services funding in the amount of \$5,342 would be provided for case management services and \$4,500 would be utilized for operation of the Drop-In Center.

YWCA Women's Crises Center – Operations funding in the amount of \$2,000 would be provided for the shelter.



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City of Wichita – Administration funding in the amount of 1,552 would be provided at the allowed 2.5% rate for City administrative costs.

The 1999 KESGP award to the City totals \$60,519 and \$58,967 of that amount is available for allocation to area homeless service providers. Each provider will be required to provide a dollar for dollar match for allocated funds. Acceptance of the KESGP funds will obligate no general funds moneys.

All KESGP funds allocated to homeless service providers will be distributed under individual provider contracts.

Motion --  
-- carried

Knight moved that Staff be authorized to make final agency allocations and the necessary signatures be authorized. Motion carried 7 to 0.

## KDCH GRANT APP.

### BREAKTHROUGH CLUB - APPLICATION FOR STATE HOME ASSISTANCE. (All Districts)

Agenda Report No. 99-908.

The Breakthrough Club is a local non-profit organization specializing in assisting citizens suffering from mental illness. The organization is applying to the State of Kansas for a HOME-funded grant, which will be used to provide Tenant-Based Rental Assistance (TBRA) to low-income individuals with mental illness that are currently on the Section 8 wait list. Breakthrough Club does not own any housing units, but has a history of helping members, all of whom have a mental illness, locate affordable housing. In connection with funding applications, the State requires the grant applicant to obtain the signature of the chief elected official of the local political jurisdiction, on the grant application.

The assistance provided under the grant will be voucher-based, and will be available for rental residences (apartments or single-family homes) that meet the housing code requirements specified in the HOME regulations. Program recipients must reside in the Sedgwick County area, and their income may not exceed 50% of the median income level for this area. The vouchers would provide for assistance over a two-year period, and could be renewed. Breakthrough Club plans to assist 50 families through the program.

The organization is applying for a grant in the amount of \$300,000. Funding will be provided from the State's HOME program, which is administered by the Kansas Department of Commerce and Housing.

Motion – carried

Knight moved that the necessary signatures be authorized. Motion carried 7 to 0.

## FARM & ART MARKET

### FARM AND ART MARKET – IMPROVEMENTS/RENOVATIONS. (District VI)

Agenda Report No. 99-909.

Numerous improvements and renovations are required at the City of Wichita Farm and Art Market to meet the needs of current tenant shops and restaurants, customers of those tenant shops and restaurants, and to attract additional business to the Market. These improvements include, but are not limited to, bathrooms on the first floor, continuation of stairwell to the third floor, railing along third level perimeter, replacing third level windows, and interior and exterior painting. The 2000 Capital Improvement Program has \$300,000 budgeted for improvements and renovations to the facility.

This work is required to enable the facility to function effectively and efficiently as a commercial center and a tourist attraction. Work needs to be started in the Fall of 1999 to prevent further building deterioration and loss of revenue.

The 2000 CIP (PB-350002) has a total of \$300,000 budgeted for these improvements and renovations. Upon approval of the project by Council, Staff will advertise for a design consultant to develop specifications for noted improvements and renovations, and seek Council approval to award Contracts to start the work promptly. Payments to the design consultant will be made after January 1, 2000.

Motion --  
-- carried

Knight moved that the project be approved; the Resolution be adopted; and the Staff screening and selection committee be authorized to select a design consultant. Motion carried 7 to 0.

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## RESOLUTION NO. R-99-342

A Resolution authorizing the issuance of general obligation bonds of the City of Wichita, Kansas to pay all or a portion of the costs of designing and constructing renovations and improvements to the City of Wichita Farm and Art Market Facility, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### AIRPORT PROJECT

#### **PROPOSED CAPITAL PROJECTS FROM AIRPORT AUTHORITY - FUEL FARM IMPROVEMENTS.**

Agenda Report No. 99-910.

The project is Fuel Farm Improvements (500447) and represents improvements that will be made to Mid-Continent Airport subject to further action and approval by the Authority. This project was initiated by the Authority on July 7, 1997 and increased on November 17, 1997, July 20, 1998 and September 8, 1998. City Council initiated the project on July 15, 1997 with increases approved on December 9, 1997, July 28, 1998 and September 15, 1998. The initiation was increased by the Authority on September 7, 1999. The project has been included in a Capital Improvement Program of the City of Wichita.

The previously initiated amount is being increased to include the replacement of the interior lining on two additional tanks located at the bulk fuel plant. This is the second phase of a three phased project. The maximum permanent financing term for this project would be 15 years. A rate structure exists that provides for specific cost recovery on this project over the financing term. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$177,000 (an increase of \$41,000).

Motion --  
-- carried

Knight moved that the notice of intent to use City of Wichita bonding authority in the future be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-343

A Supplemental Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

### AIRPORT PROJECT

#### **PROPOSED CAPITAL PROJECTS FROM AIRPORT AUTHORITY - FENCING EXTENSION.**

Agenda Report No. 99-911.

The project is Fencing Extension (#459204) and represents the extension of the fencing connected to the computer controlled access system subject to further action and approval by the Authority. This project was initiated by the Authority on September 7, 1999. The project utilizes funding from the Federal Aviation Administration (FAA) and from Passenger Facility Charges. The project has been substituted for a project included in a Capital Improvement Program of the City of Wichita

The maximum permanent financing term for this project would be 10 years. A request to use Airport Improvement Program grant money and Passenger Facility Charge collections to ultimately fund this project will be submitted to the FAA, however, interim financing may be needed. This action approves only the intent to use City of Wichita bonding authority in the future and does not specifically authorize the issuance of debt nor does it preclude the use of any substitute funding source.

The estimated maximum debt to be incurred, based on the best present information, is \$127,000.

Motion --  
-- carried

Knight moved that the notice of intent to use City of Wichita bonding authority in the future be approved and the Resolution be adopted. Motion carried 7 to 0.

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## RESOLUTION NO. R-99-344

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the making of certain capital improvements to the Wichita Mid-Continent Airport Facility operated by the Wichita Airport Authority of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

### PROPERTY ACQ.

#### EAST BANK OPPORTUNITY PURCHASE.

Agenda Report No. 99-912.

On August 10, 1999, the City Council approved the purchase of 537 S. Main for an amount not to exceed \$370,000, including closing costs. At the time, funding from the East Bank Capital Improvement Program was indicated as the funding source.

Based on further review it has been determined that the capital budget does not have sufficient funding available immediately for this expense. It is recommended that the governing body approve this expenditure from General Fund appropriated reserves.

General Fund reserves are sufficient to absorb this expense.

Motion – carried

Knight moved that the funding for the land acquisition be approved. Motion carried 7 to 0.

### PROPERTY ACQ.

#### ACQUISITION OF 455 SOUTH WINDSOR – EAST KELLOGG IMPROVEMENT.

Agenda Report No. 99-913.

Acquisition of 455 South Windsor East Kellogg Improvement Project (District II)

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 455 South Windsor, Ronald Rogers, has expressed an interest in selling this property to the City. The site contains 13,000 square feet and is improved with a 1,849 square foot brick, ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of much of the site.

The property was appraised at \$130,000 and the owner has agreed to sell the property for this amount. The owner may lease the property back from the City. If so, a formal lease agreement will be negotiated. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$135,000 is requested. This includes \$130,000 for the acquisition and \$5,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

### STREET LIGHTING

#### STREET LIGHT RESOLUTION #5-99.

Motion – carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-345

A Resolution approving Street Lighting Resolution No. 5-99, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers,

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## ORDINANCES

### SECOND READING ORDINANCES. (FIRST READ AUGUST 31, 1999)

- a. Assignment of Multimedia Cable Television Franchise.

#### ORDINANCE NO. 44-326

An Ordinance of the City of Wichita consenting to the assignment of the Broadband Telecommunications Network Franchise of Multimedia Cablevision, Inc. to Coxcom, Inc., read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Acquisition of right-of-way by eminent domain for the Maple Street improvement project, Maize Road to 119th Street West. (District V)

#### ORDINANCE NO. 44-327

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring right-of-entry easements for the construction and widening of Maple Street from Maize Road to 119th Street in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file an amended petition requesting the additional property in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## Addendum Item

- c. Hospital Facilities Improvement Revenue Bonds - Riverside Health Systems, Inc. (District VI)  
(First read August 24, 1999)

An Ordinance authorizing the City of Wichita, Kansas, to issue its hospital facilities improvement revenue bonds in the aggregate principal amount of \$3,600,000 for the purpose of providing funds to pay a portion of the costs of acquiring, purchasing, constructing and equipping a retirement facility located in the City of Wichita, Kansas (the "City") prescribing the form and authorizing execution of a first supplemental bond indenture by and between the City and Intrust Bank, Wichita, Kansas, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a first supplemental lease by and between the City and Riverside Health System, Inc.; approving the form of a guaranty agreement and a reimbursement agreement; authorizing the execution of a remarketing and interest services Agreement by and among the City, Riverside Health System, Inc., and Banc of America Securities LLC, as remarketing agent; authorizing the execution of a bond purchase Agreement by and between the City, Riverside Health System, Inc., and Banc of America Securities LLC, as the underwriter for the Series 1999 Bonds; and appointing Intrust Bank, N.A. successor bond trustee, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

### PLANNING AGENDA

## V-2191

### V-2191 - PUBLIC HEARING REQUEST TO VACATE A PORTION OF THE FRONT BUILDING SETBACK LOCATED AT THE NORTHEAST CORNER OF FORESTVIEW AND FORESTVIEW COURT, GENERALLY SOUTH OF CENTRAL AND EAST OF 135TH STREET WEST, 526 FORESTVIEW. (District V)

Agenda Report No. 99-914.

Staff Recommendation: Approve vacation of a portion of the front building setback.  
MAPC Recommendation: Approve vacation of a portion of the front building setback. (unanimous)

The applicant is requesting to vacate 10 feet of a 25-foot platted building setback for the construction of a home, which is already under construction.

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No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Knight moved that the vacation be approved and the and the necessary signatures be authorized. Motion  
-- carried carried 7 to 0.

**V-2193**

**V-2193 - REQUEST TO VACATE A PORTION OF THE 20-FOOT UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF DOUGLAS AND KESSLER STREET.** (District IV)

Agenda Report No. 99-915.

Staff Recommendation: Approve vacation of a portion of the 20-foot utility easement.  
MAPC Recommendation: Approve vacation of a portion of the 20-foot utility easement. (unanimous)

The applicant is requesting to vacate the southern 10 feet of a 20 foot wide utility easement to allow for the construction of a commercial building on this lot.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant dedicating a utility easement which covers the existing man hole on Lot 1. The applicant has provided the required dedication. No written protests have been filed.

Motion -- Knight moved that the vacation be approved; and the utility easement dedication be accepted; and the necessary  
-- carried signatures be authorized. Motion carried 7 to 0.

**D-1766**

**D-1766 - DEDICATION OF ACCESS CONTROLS FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF 21ST STREET NORTH AND RIDGE ROAD.** (District V)

Agenda Report No. 99-916.

MAPC Recommendation: Accept the dedication.

As a requirement of an associated lot split (L/S 1008), this dedication is being made for the purpose of obtaining complete access control along Ridge Road across the east and northeast line of the Lawrence Development 1st Addition.

The dedication has been reviewed and approved by the Planning Commission.

Financial Consideration: None identified.

The dedication will be recorded with the Register of Deeds.

Motion -- Knight moved that the Dedication be approved and recorded with the Register of Deeds. Motion carried  
-- carried 7 to 0.

**S/D 99-37**

**S/D 99-37 - PLAT OF WESTWOOD HILLS 3RD ADDITION LOCATED ON THE WEST SIDE OF TYLER, SOUTH OF MAPLE.** (District V)

Agenda Report No. 99-917.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (10-0)

This replat is subject to the Westwood Hills Community Unit Plan (DP-97) which permits NR, neighborhood retail uses. Petitions, 100%, have been submitted for sanitary sewer, City water and drainage improvements. A Certificate of Petitions has also been submitted.

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A CUP Certificate has been provided identifying the approved CUP and its special conditions for development. A sidewalk certificate has been submitted for the construction of sidewalks along Maybelle and University Avenues.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Sidewalk Certificate and CUP Certificate will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. R-99-346

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89421 (south of Maple, west of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-347

Resolutions of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89422 (south of Maple, west of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-348.

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 8, Southwest Interceptor Sewer (south of Maple, west of Tyler), Project No. 468-83020, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-349

Resolutions of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 526 (south of Maple, west of Tyler) Project No. 468-83021, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

S/D 99-45

## **S/D 99-45 - PLAT OF NEWMAN UNIVERSITY ADDITION LOCATED ON THE SOUTHWEST CORNER OF SHERIDAN AND MCCORMICK.** (District IV)

Agenda Report No. 99-918.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (12-0-1)

This replat is zoned SF-6, Single-Family Residential. A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted. As required by the drainage plan for this site, a cross-lot drainage agreement has been submitted by the Applicant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and cross-lot drainage agreement will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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## RESOLUTION NO. R-99-350

Resolution of findings of advisability and Resolution authorizing construction of Lateral 164, Sanitary Sewer No. 22 (south of McCormick, west of Sheridan), Project No. 468-83025, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

**Z-3329**

**Z-3329 - ZONE CHANGE FROM "MF-18" MULTI-FAMILY RESIDENTIAL TO "NR" NEIGHBORHOOD RETAIL, LOCATED NORTH OF 37TH STREET NORTH AND EAST OF WOODLAWN.** (District II)

Agenda Report No. 99-919.

MAPC Recommendation: Approve, subject to staff comments (11-0)  
Staff Recommendation: Deny "LC" Limited Commercial, but Approve "NR" Neighborhood Retail.  
CPO Recommendation: Deny "LC" and Approve "NR, subject to MAPD staff recommendations (5-0).

The applicant requests a zone change from "MF-18" Multi-Family District to "LC" Limited Commercial District for 1.3 acres of Lot A, Block 1 of the Chisholm Creek Addition east of Woodlawn and north of 37th Street North. The 1.3 acres is currently vacant and there is no intended user at this time.

The subject property is bordered by single-family homes on property zoned "MF-18" on the north, condominiums on the east, vacant "LC" Limited Commercial zoned land on the south, and commercial and warehousing uses in the City of Bel Aire on the west and across Woodlawn.

Staff has noted that the property in question was subdivided without going through the legal means of subdivision. Any development of this property will require a legal split or replat of the property.

Staff recommended denial of "LC" Limited Commercial for this site, but did recommend approval for "NR" Neighborhood Retail. "NR" provides a more appropriate transition between the Commercial activities at the corner of 37th Street North and Woodlawn and the residential homes to the north and east of this site. Prior to any hearings, the agent for the applicant agreed with this recommendation.

At the CPO(2) meeting held August 9, 1999, the CPO voted 5-0 to deny the request for "LC" zoning and approve the staff's recommendation for "NR" zoning. Russ Ewy, agent for the applicant, spoke to the council, stating that the applicant was in agreement with this recommendation.

At the MAPC hearing held August 12, 1999, the applicant's agent stated that he was in agreement with the staff recommendation and conditions. One citizen and representative of the Northbrook Neighborhood Association spoke in favor of the rezone request. After brief discussion, the MAPC voted to approve the request subject to conditions found in the staff report.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council,. Motion carried carried 7 to 0.

-- carried

**Z-3330**

**Z-3330 - ZONE CHANGE FROM "TF-3" TWO-FAMILY RESIDENTIAL TO "LC" LIMITED COMMERCIAL, LOCATED SOUTH OF HARRY AND EAST OF YALE AVENUE, 1612 SOUTH YALE.** (District III)

Agenda Report No. 99-920.

MAPC Recommendation: Approve, subject to staff recommendations (11-0).  
Staff Recommendation: Approve, subject to the dedication of an additional 2 feet of utility easement along the rear property line by separate instrument.  
CPO Recommendation: Approve, subject to MAPD staff comments (4-0).

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The applicant requests a zone change from "TF-3" Two-Family Residential District to "LC" Limited Commercial District for the 0.18 acre platted Lot 7 in the All Saints Addition south of Harry and east of Yale Avenue. The lot, which is 60 feet by 135 feet, has an 8-foot utility easement along the rear property line. A single-family home is currently located on this lot. The applicant requests the rezone to extend the current parking for Tillie's Flower Shop located directly to the north and for possible future building expansion.

The subject property is bordered by Tillie's Flower Shop on the north on property zoned "LC" Limited Commercial. Property to the west is also zoned "LC", but it is currently being used for a triplex complex. To the south, on property zoned "TF-3" Two-family Residential, is a single family home. The property to the east is zoned "GO" General Office, but is current being used for a duplex residence.

At the CPO(3) meeting held August 12, 1999, the CPO voted 4-0 to approve the request subject to staff comments. The applicant, Ken Denton, presented the request to the Council and was also in agreement with MAPD staff comments. No citizens were present to speak on this request.

At the MAPC hearing held August 12, 1999, the applicant questioned the need for the dedication of an additional two feet of utility easement along the rear property line and west of the existing utility easement. Staff had requested this dedication by separate instrument as a continuing effort to upgrade older utility easements to today's standards of twenty (20) feet. Staff and MAPC agreed to bring this case before the next Subdivision Committee meeting to allow City Engineering and Utility Representatives to review the need for the extra two feet of easement. The applicant agreed with all other staff comments. The MAPC voted to approve the request subject to the conditions found in the staff report and the decision of the Subdivision Committee.

At the Subdivision Committee of the MAPC held August 19, 1999, the applicant presented his objection to the dedication of an additional two feet of utility easement. After discussion with City Engineering and the Utility Representatives, the Subdivision Committee voted to recommend approval of staff's request for the dedication of the additional two feet of utility easement.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3330

A99-30

**A99-30 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH AND SOUTH OF 37TH STREET NORTH, BETWEEN BROADWAY AND HILLSIDE AVENUE TO THE CITY OF WICHITA, KANSAS.** (Districts I & VI)

Agenda Report No. 99-921.

A resolution establishing a future public hearing date of November 16, 1999, for consideration of a unilateral annexation was approved. The properties proposed for annexation are north and south of 37th Street North, between Broadway and Hillside Avenue.

This is the second phase of a two-phase annexation. The first phase was officially approved August 27, 1999 and brought 149 acres into the City. The subject area of the second phase consists of approximately 230 acres and 11 properties. The land-use pattern consists of five (5) undeveloped tracts, three (3) industrial tracts, two (2) commercial tracts and one (1) residential tract. The majority of the area is zoned "LI" Limited Industrial and "GI" General Industrial with a few intersection corners zoned "LC" Limited Commercial. These properties will retain their existing zoning following annexation.

A portion of land proposed for annexation is located within the areas identified as "New Growth" found on the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change, with the remaining annexation areas located within that area designated as "Urban Reserve".



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The proposed annexation will allow for the continuation of the City's growth in the north part of Wichita. Most properties in the annexation area are currently served by 12 inch or larger City water mains located in Hillside, 37th Street, Hydraulic and Broadway rights-of-way.

The City has no C.I.P. projects to extend water mains north of 37th Street North along Broadway, or into areas not currently served.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,815,960 resulting in an annual City Ad Valorem tax revenue of approximately \$13,817. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --  
-- carried

Knight moved that the service plan be approved and the Resolution setting the hearing date. be adopted. Motion carried 7 to 0.

## RESOLUTION NO. R-99-358

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property generally located north and south of 37th Street North, between Broadway and Hillside Avenue to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-99-30

## EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice and return from executive session at 10:55 a.m. in the City Council Chambers. Motion carried 7 to 0.

## RECESS

The City Council recessed at 10:45 a.m. and reconvened at 10:55 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

## ADJOURNMENT

The City Council meeting adjourned at 10:55 a.m.

Pat Burnett CMC  
City Clerk